

THE HONORABLE JAMES L. ROBERT

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOSEPH CHURCH, individually and on
behalf of all others similarly situated,

Plaintiff,

vs.

EXPEDIA, INC., EAN.COM, LP,
TRAVELSCAPE, LLC and HOTELS.COM
L.P.,

Defendants.

Case No. 2:18-cv-01812-JLR

STIPULATION AND ~~PROPOSED~~
ORDER TO STAY DEADLINES AND
LIMITING DISCOVERY PENDING A
DECISION ON MOTION TO COMPEL
ARBITRATION

NOTE ON MOTION CALENDAR:
JANUARY 25, 2019

The parties in the above-captioned actions, through their undersigned counsel, hereby
STIPULATE AND AGREE as follows:

1. On December 17, 2018, Plaintiff Joseph Church filed a complaint against
Defendants Expedia, Inc., EAN.com, LP, Travelscape, LLC, and Hotels.com L.P. ("Defendants"),
bringing putative nationwide class claims for alleged violations of the Racketeer Influenced and
Corrupt Organizations Act ("RICO"), 18 U.S.C. § 1962(C)-(D), conversion and misappropriation,
unjust enrichment, and constructive trust.

STIPULATION AND ~~PROPOSED~~ ORDER TO
STAY DEADLINES AND DISCOVERY
(Case No. 2:18-cv-01812-JLR) - 1

LAW OFFICES
CALFO EAKES & OSTROVSKY PLLC
1301 SECOND AVENUE, SUITE 2800
SEATTLE, WASHINGTON 98101-3808
TEL (206) 407-2200 FAX (206) 407-2224

1 2. Plaintiff previously filed a related case, *Joseph Church v. Hotels.com L.P., Expedia,*
2 *Inc., Travelscape, LLC, Reservations Technologies, Inc. d/b/a Reservations.com, Benjamin &*
3 *Brothers, LLC d/b/a Reservations.com*, Case No. 2:18-cv-18 (D. S.C.) ("*Church I*"), which was
4 voluntarily dismissed after the court granted a motion to dismiss and ordered the claims against
5 Reservations.com to arbitration. Defendants intend to file a motion to compel arbitration of the
6 claims against them in this matter. Defendants intend to argue that the same arbitration provision
7 is applicable here under equitable estoppel and other grounds, mandating that the dispute be
8 ordered to arbitration. Plaintiff intends to oppose the motion on the ground that the subject of the
9 prior motion was plaintiff's arbitration agreement with Reservations.com and plaintiff has no such
10 agreement with Expedia.

11 3. The parties previously stipulated that Defendants' deadline to answer or otherwise
12 respond to the complaint would be February 25, 2019 (Dkt. No. 6). Defendants will be filing the
13 motion to compel arbitration on or before that date.

14 4. Pursuant to the Court's January 16, 2019, Order Regarding Initial Disclosures, Joint
15 Status Report, and Early Settlement (Dkt. No. 15), and its January 16, 2019, Rule 16(b) and Rule
16 23(d)(2) Scheduling Order Regarding Class Certification Motion (Dkt. No. 16), the parties are
17 required to hold a Rule 26(f) conference by January 30, 2019, exchange initial disclosures by
18 February 13, 2019, file a joint status report by February 20, 2019, complete class certification
19 discovery by May 15, 2019, and file a motion for class certification by June 14, 2019.

20 5. The parties have conferred and agreed to seek a stay of all deadlines referenced in
21 paragraph 4 pending the Court's decision on the motion to compel arbitration, to conserve the
22 resources of the parties and the Court. The parties have further agreed to proceed with a Rule 26(f)
23 conference solely as to the issue of arbitrability, and to engage in good faith discussion regarding
24 any potential discovery regarding arbitrability, without waiving any rights either to seek or to
25 oppose any such discovery if unable to reach an agreement.

7. This stipulation and order shall not operate as an admission of any factual allegation or legal conclusion, nor shall it operate as a waiver nor affect any right, defense, claim or objection, including lack of personal jurisdiction.

7. This stipulation and order shall not operate as an admission of any factual allegation or legal conclusion, nor shall it operate as a waiver nor affect any right, defense, claim or objection, including lack of personal jurisdiction.

SO STIPULATED.

Dated this 25th day of January, 2019.

CALFO EAKES & OSTROVSKY PLLC

By s/ Angelo J. Calfo
 Angelo J. Calfo, WSBA# 27079
 Emily Dodds Powell, WSBA# 49351
 1301 Second Avenue, Suite 2800
 Seattle, WA 98101
 Phone: (206) 407-2200
 Fax: (206) 407-2224
 Email: angeloc@calfoeakes.com
emilyp@calfoeakes.com

*Attorneys for Defendants Expedia, Inc., EAN.com, LP,
Travelscape, LLC and Hotels.com L.P.*

HAGENS BERMAN SOBOL SHAPIRO LLP

By s/ Steve Berman
Steve Berman, WSBA# 12536
Andrew Volk, WSBA # 27639
1301 Second Avenue, Suite 2000
Seattle, WA 98101
Phone: (206) 623-7292
Fax: (206) 623-0594
Email: steve@hbsslaw.com
andrew@hbsslaw.com

MCGOWAN, HOOD & FELDER, LLC

James L. Ward, Jr.
Ranee Saunders
321 Wingo Way, Suite 103
Mt. Pleasant, SC 29464
Telephone: (843) 388-7202
Facsimile: (843) 388-3194
Email: jward@mcgowanhood.com
rsaunders@mcgowanhood.com

WALKER GRESSETTE FREEMAN & LINTON, LLC

Ian W. Freeman
John P. Linton, Jr.
66 Hasell Street
Charleston, SC 29401
Telephone: (843) 727-2200
Facsimile: (843) 727-2238
Email: freeman@wgflaw.com
linton@wgflaw.com

Attorneys for Plaintiff Joseph Church

~~PROPOSED~~ ORDER

Based upon the foregoing stipulation of the parties, it is hereby ordered:

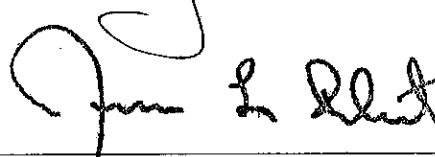
1. All discovery and all currently-pending deadlines, including the Rule 26(f) conference, initial disclosures, joint status report, class certification discovery, and motion for class certification, are hereby stayed pending the Court's ruling on Defendants' motion to compel arbitration, which will be filed on or before February 25, 2019.

2. This stay does not apply to any discovery relating to arbitrability that may be necessary to support or oppose Defendants' motion to compel arbitration, which request shall be addressed by the Court upon proper motion in the event the parties are unable to reach agreement. The parties shall engage in a Rule 26(f) conference, related to the issue of arbitrability only, by January 30, 2019.

3. Should the Court deny the motion to compel arbitration, the parties will contact the Court's Courtroom Deputy within five court days of the Court's ruling to reschedule the stayed deadlines.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated this 28th day of January, 2019.



THE HONORABLE JAMES L. ROBERT
UNITED STATES DISTRICT JUDGE